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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,670	09/08/2003	Yoshio Onuki	15228A	2150

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SCULLY SCOTT MURPHY & PRESSER, PC  
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GARDEN CITY, NY 11530

EXAMINER
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LEUBECKER, JOHN P

ART UNIT	PAPER NUMBER
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3739

MAIL DATE	DELIVERY MODE
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12/28/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/657,670

Applicant(s)

ONUKE ET AL.

Examiner

John P. Leubecker

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on September 28, 2007 and December 13, 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6, 7, 11, 12, 15 and 16 is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-10, 13 and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 10/059,681.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 28, 2007 and December 13, 2007 has been entered.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-5 and 8-10 are rejected under 35 U.S.C. 102(a) as being anticipated by Wayne et al. (U.S. Pat. 6,071,279).

Referring mainly to Figures 15A, 17A and 17B, Wayne et al. discloses a guide wire body (106) capable of being inserted through a bore (107, Fig. 17B) formed on an appliance (102), and a retainer (100, Fig. 17A) extended along the guide wire body, the distal portion (108) being joined to the distal end portion of the guide wire body to prevent relative movement between the each distal end (Fig. 17A), wherein the retainer (100) can be arranged outside the bore (107) of the appliance when the guide wire body is in the bore (Fig. 17B). As to claims 2, 3

and 9, note element 22 in Fig.17B and col. 8, lines 8-14. As to claim 8, note sheath (102) which surrounds guide wire body (106) forms a insulating (col.13, 21-23) coating around the wire and material (32, Fig.15a) around the retaining wire is "insulating" (col.8, lines 27-30). As to claims 4 and 5, note that tip portion (108) is formed of the same insulating material as (32) which is a soft elastic material and the junction of (106) and (108) is separable (e.g., adhesive or thermal bonding, col.13, lines 8-10). As to claim 10, note catheter sheath (12, Fig.17A) which has an increased diameter.

***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wayne et al. in view of Dake et al. (U.S. Pat. 4,927,418).

Wayne et al. disclose a vascular catheter device but fail to disclose the length of the retaining wire. Dake et al. teach that an operable length for a vascular catheter device (which would include elements extending there through) varies depending upon use but can be from about 120 cm to 175 cm (col.3, lines 4-8). It would have been obvious to one of ordinary skill in the art at the time of the invention to have made the device of Wayne et al. a length that would provide operability for its intended purpose, Dake et al. suggesting such length for such intended purpose.

***Allowable Subject Matter***

6. Claims 6, 7, 11, 12, 15 and 16 are allowed.

***Response to Arguments***

7. Applicant's arguments filed September 28, 2007 and December 13, 2007 have been fully considered but they are not persuasive. Applicant's arguments filed September 28, 2007 are directed to limitations in claim 1 that have been taken out in the amendment filed December 13, 2007. Since the claims can be rejected on the previous grounds and art of record, no issues need to be addressed by the Examiner.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wilson (U.S. Pat. 5,143,085)

Graves et al. (U.S. Pat. 5,522,819)

9. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114.

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See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John P. Leubecker whose telephone number is (571) 272-4769. The examiner can normally be reached on Monday through Friday, 6:00 AM to 2:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C.M. Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John P. Leubecker/  
Primary Examiner  
Art Unit 3739

jpl